

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Doe,

v.

Civil No. 07-286-JL

Friendfinder Network, Inc. et al,

O R D E R

Defendants' motion to postpone the Preliminary Pretrial Conference is denied.

"A defendant's confidence that it will prevail on a dispositive motion does not in and of itself justify holding discovery in abeyance." Evans v. Yum Brands, Inc., 326 F.Supp.2d 214, 226 (D.N.H. 2004). While the court appreciates defendants' counsel's desire to avoid an unnecessary and/or inefficient Preliminary Pretrial Conference, the court also notes that while some of the plaintiff's claims may very well be disposed of when the pending motion to dismiss is decided, certain claims may survive the motion, necessitating (possibly narrower, more limited) discovery.

The Preliminary Pretrial Conference will include a substantive, meaningful discussion of the parties' claims and defenses. Counsel are expected to be prepared to engage in an

open, cooperative discussion in good faith. Counsel are reminded of the obligations imposed by Fed.R.Civ.P. 11(b)(3) and (4), and should be prepared to explain the factual basis underlying any claims or defenses they have pleaded.

Each party shall be represented at the Preliminary Pretrial Conference by counsel authorized to bind the party on all matters to be covered.

SO ORDERED.



Joseph N. Laplante
United States District Judge

February 14, 2008

cc: W. E. Whittington, Esquire
James P. Bassett, Esquire
Ira P. Rothken, Esquire
Jared R. Smith, Esquire
Jeffrey C. Spear, Esquire